

8. (original) The program product of claim 1 wherein the wireless communications environment is an 802.11 wireless network.

REMARKS

Claims 1-8 are pending in this application. Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over Idnani in view of Eng. Claims 3-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Idnani in view of Eng and Kallio. Claim 1 is currently amended. Reconsideration and further examination are respectfully requested.

The presently claimed invention distinguishes the cited references because it enables decisions regarding channel selection to be both (a) distributed to individual wireless devices and (b) executed in a manner which mitigates selection of a common channel by nearby devices. Claim 1, for example, now recites "logic operable to independently select a channel based at least in-part on the platform dependent messages." Since these distinguishing limitations are added in this amendment, the Office has not asserted that they are taught by the cited references. However, for the sake of completeness Applicant would like to point out that Idnani does not teach that mobile station (101) has such capabilities, nor does Eng teach that the modem has such capabilities, nor does Kallio teach that the access point (104) or terminal device (102) have such capabilities.

For the reasons stated above, withdrawal of the rejection of claim 1 based on the combination of Idnani in view of Eng is requested. Claims 2-8 are independent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. Withdrawal of the rejections of claims 2-8 is also therefore requested.

The Office also objected to the specification based on informalities. The specification has been amended as indicated by the Office.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

4/6/200
Date

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